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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,732

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EXAMINER

KIRKSEY, DONTE R

ART UNIT

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4193

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/500,732	Applicant(s) NEEF, MANFRED	
	Examiner DONTÉ KIRKSEY	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/14/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aizawa (USP 5249447) in view of Pojol (USP 4,722,127) in further view of Stuard (USP 5,249,447).

With respect to claim 1, Fig 2 of Aizawa teaches a method for producing a cover (see details of fig 2 in fig 3, 24) made of a special steel blank (see details of fig 2 in fig 3, 24) which can be deep-drawn (24) and placed on an end of a motor vehicle exhaust pipe, characterized the combination of the method steps directly following each other and including:

a) Making a circular blank (22) from a special steel plate (see Aizawa, abstract, Col 1, Lines 1-12),

b) drawing in a plurality of deep-drawing operations (see entire fig 2 of Aizawa) a plurality of cup-shaped beakers (A beaker is a simple container for stirring, mixing and heating liquids, they are commonly used in any laboratory, beakers are generally cylindrical in shape, with a flat bottom. Beakers are available in a wide range of sizes, from 1 mL up to several liters, See Aizawa, Fig 2, 13, 16, 42 and 24) each with a bottom (tb), inclined in with respect to the a longitudinal axis (see longitudinal axis of tb), and having diameters (see diameters of 13, 16, 42 and 24) that are uniform over the an entire shell length (see Length of 13,16,42 and 24) but are more and more decreased (see Aizawa, the thickness reduced in abstract, Col 1, Lines 1-12), and

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the shell lengths (see Length of 13,16,42) are more and more increased (see Aizawa, entire Fig 2, length of tw of 13, 16, 42);

C) Punching (see fig 2, 10) into the bottom (tb) a centered hole (see details of fig 2 in fig 3 of 24) with a rim (see details of fig 2 in fig 3 of 24 rim 25) which is ring-shaped (see circular shaped of 22) toward the a shell (see the outer shell of 22),

d) cutting the shell (see the outer shell of 22) vertically in with respect to the longitudinal axis (see longitudinal axis of tb) of the beaker (22) to the a required length (see fig 2, final length of 42)

e) bending (Aizawa, Col 1, Lines 30-40) the rim (see details of fig 2 in fig 3 of 24 rim 25) of the bottom (tb) parallel in with respect to the longitudinal axis (see longitudinal axis of tb),

f) tapering (gradually narrowed toward a point; "a tall tapering spire") an end section (Rp) on the cut open front (27) of the beaker (24)-for decreasing the diameter.

Aizawa does not teach cutting a condensate drain opening (16) and a fastening hole into the shell (12.5), and is subsequently crimping into the beaker (10.6) to form an end (17) shaped as the shape of an arc of a circle. However Pujol, teaches cutting a condensate drain (see Puljol, Col 4, Lines 20--25) and a fastening hole (see Puljol, Col 3, Lines 16-25). It would have been obvious for one ordinarily skill in the art at the time the invention was made to modify the Aizawa by cutting a condensate drain and add a fastening hole into the shell for the purpose of obtaining access to the condensate drain to allow selected flow of air from the opening into the condensate drain and to add a fastening hole for the purpose of securing the condensate drain.

The combination of Aizawa in view of Puljol does not teach crimping into the beaker to form an end shaped as the shape of an arc of a circle. However, Stuard teaches crimping (see

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Stuard, Col 1, Lines 18-22) into the beaker (see Stuard, Col 1, Lines 18-22) to form an end (see, Stuard Fig 1, 96) shaped as the shape of an arc of a circle). It would have been obvious for one ordinarily skill in the art at the time the invention was made to modify the Aizawa by crimping (see Stuard, Col 1, Lines 18-22) into the beaker to form an end shaped as the shape of an arc of a circle for the purpose of attaching the beaker to an object. Thus, this combination meets all the limitations of claim 1.

With respect to claim 2, Aizawa in view of Puljol and further in view of Stuard teaches the transition from the inclined bottom (tb) to the shell (13,16,42 ,24) of the deep-drawing steps operations (see Aizawa, entire Fig 2) is always rounded (see Aizawa, details of fig 2 in fig 3, lower rounded edges of 24 and 25).

With respect to claim 3, Aizawa in view of Puljol in further view of Stuard teach the bottom (see Aizawa, Fig 2, tb) in with respect to the shell (see Aizawa, Fig 2, 13,16,42 ,24) of the-deep-drawing steps operations (see Aizawa, Fig 2, deep drawing of 13,16,42 ,24) is inclined on a diameter of approximately 70° or 110° (see Aizawa, details of Fig 2 in Fig 3, angle Rp).

With respect to claim 4, Aizawa in view of Puljol in further view of Stuard teach cutting off (the shell (24) to the required length (see details Aizawa of fig 1 in fig 5, L) and cutting (see Puljol, Col 4, Lines 20--25) at least one of the condensate drain opening (see Puljol, Col 4, Lines 20--25) and/or and the fastening hole (see Puljol, Col 3, Lines 16-25) are performed together.

With respect to claim 5, Aizawa in view of Puljol in further view of Stuard teach the bore (see Stuard, Fig 2, 24) in the bottom (see Aizawa, tb) is shaved (see Stuard, Fig 2, shaving 96) prior to crimping (see Stuard, Col 1, Lines 18-22) the end (see Aizawa, details of Fig 2 in Fig 3, end Rp) in the shape of an the arc of Jail the circle.

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With respect to claim 6, Aizawa in view of Puljol in further view of Stuard teaches a cover, crimped (see Stuard, Col 1, Lines 18-22) in the shape of an the arc of a the circle, and wherein the an other front face (see Aizawa, details of fig 2 in fig 3, lower of 24) which extends perpendicularly in with respect to the longitudinal axis (see longitudinal axis of tb) in the an adjoining section (see Aizawa, details of fig 2 in fig 3, lower right hand edge of 24) has a diameter smaller than the diameter (see Aizawa, details of fig 2 in fig 3, diameter of 24) of the remaining shell (24).

With respect to claim 7, Aizawa in view of Puljol in further view of Stuard teaches crimped (see Stuard, Col 1, Lines 18-22) in the shape of the arc of the circle, wherein an other front face (see Aizawa, details of fig 1 in fig 2, 27) which extends perpendicularly with respect to the longitudinal axis (see Aizawa, longitudinal axis of tb) in an adjoining section (see Aizawa, details of fig 2 in fig 3, lower right hand edge of 24) has a diameter smaller than the diameter (see Aizawa, details of fig 2 in fig 3, diameters of 24) of the remaining shell (see Aizawa, details of fig 2 in fig 3, 24).

With respect to claim 8, Aizawa teaches the bottom (see Aizawa Fig 2, tb) with respect to the shell (see Aizawa Fig 2, 13, 16, 42, and 24) of the deep-drawing operations (see Aizawa, Fig 2, deep drawing of 13,16,42 ,24) is inclined on a diameter of approximately 70° or 110° (see Aizawa, details of Fig 2 in Fig 3, angle Rp) relative to the longitudinal axis axis (see Aizawa longitudinal axis of tb).

With respect to claim 9, Aizawa in view of Puljol in further view of Stuard teaches cutting off the shell (see Aizawa, details of fig 2 in fig 3, 24) to the required length (see Aizawa, details of fig 2 in fig 3, length of 24) and cutting at least one of the condensate drain opening (see

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Puljol, Col 4, Lines 20--25) and the fastening hole (see Puljol, Col 3, Lines 16-25) are performed together.

With respect to claim 10, Aizawa in view of Puljol in further view of Stuard teaches the bore (see Stuard, Fig 2, 24) in the bottom (see Aizawa, tb) is shaved (see Stuard, Fig 2, shaving 96) prior to crimping (see Stuard, Col 1, Lines 18-22) the end (see Aizawa, details of Fig 2 in Fig 3, end Rp) in the shape of the arc of the circle.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tokunou et al. (USP 5,924,188) teaches a process of manufacturing bottomed hollow cylinder.

Eriksson et al. (USP 6,007,281) teaches a method of producing holes in fiber reinforced composites.

Palmer et al. (USP 6,041,611) teaches a condensate drain.

Sheppard et al. (USP 6,279,593) teaches a condensate drain.

Lacoste et al. (USP 6,301,917) teaches condensate drain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONTÉ KIRKSEY whose telephone number is (571)270-3792. The examiner can normally be reached on 8 a.m to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Nguyen can be reached on 5712721753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drk

/Long Nguyen/
Supervisory Patent Examiner
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